

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT  
OF COMMERCE, et al.,

Defendants.

CIVIL ACTION NO. 1:18-cv-2921 (JMF)

**SUPPLEMENTAL AFFIDAVIT OF ARTURO VARGAS**

Pursuant to 28 U.S.C. § 1746, I, Arturo Vargas, hereby declare as follows:

1. As explained in my October 23 Affidavit, I am the Chief Executive Officer (“CEO”) of the NALEO Educational Fund, and my responsibilities include representing NALEO on the U.S. Census Bureau’s National Advisory Committee on Racial, Ethnic, and other Populations (“NAC”).

2. All of the statements made in my October 23 Affidavit and in this Affidavit are made based on my personal knowledge, acquired through decades of service on the National Advisory Committee (“NAC”) and its predecessor committees. As I stated in paragraph 4 of my original affidavit, I have been on the NAC and its predecessor committees for over 15 years, and have had frequent occasion to know the purpose, history, charter, practices, and composition of the NAC. *See* PX-227; PX-229. This knowledge is the basis for my knowledge throughout my October 23 affidavit, especially in paragraphs 5-11.

3. As part of my service as a member of the NAC, I have read and familiarized myself with NAC's Charter. *See* PX-227. I have also read and familiarized myself with NAC's Standard Operating Procedures. *See* PX-229.

4. I have also interacted frequently with Census Bureau officials across multiple administrations in a wide variety of contexts. My assessments in paragraphs 12-13, 16, 22, and 24 of my October 23 Affidavit are based on my knowledge of how more recent encounters regarding the citizenship question were different than past interactions with Census Bureau officials. The assessments are also based on my knowledge of the NAC's purpose, history, charter, practices, and composition. *See* PX-227; PX-229.

5. The recommendations that I describe in paragraph 23 of my October 23 Affidavit are part of NAC and the Census Bureau's process of consultation, which I am familiar with through my more than 15 years of experience on the NAC, and my knowledge of the NAC's purpose, history, charter, practices, and composition, which I described in paragraph 11 of my October 23 Affidavit.

6. The summary of NALEO's research that I reference in paragraph 25 of my October 23 affidavit reflects my personal knowledge as the Chief Executive Officer of NALEO and observations as an attendee of various focus groups and community events regarding the 2020 Census.

7. On November 1 and 2, 2018, the NAC had its Fall 2018 Meeting in Suitland, Maryland. Despite the fact that the citizenship question was not on the official agenda for the meeting, the challenge presented by the citizenship question permeated conversations concerning the challenges faced by the 2020 Census. As a member of the NAC, I attended the Fall 2018 Meeting. *See* Ex. XX (NAC Official Agenda for Nov. 1-2, 2018 Meeting).

8. On Friday, November 2, 2018, Ron Jarmin, Director of the Census Bureau, stated in front of a room full of attendees – including myself – that the Census Bureau acknowledged the new challenges that are presented by the addition of the citizenship question. Dr. Jarmin also stated that the current 9 vacancies on the NAC would not be filled until the Spring or Fall of 2019.

9. Also at this meeting, the Census Bureau invited presenters associated with Young and Rubicam (Y&R), the firm employed by the Census Bureau to run the 2018 Census Barriers Attitudes and Motivators Study (CBAMS) to present the results of the study on behalf of the Census Bureau. Of note, this study began before the Census Bureau announced the addition of the question, and therefore at first did not include any testing related to the citizenship question. After the Bureau announced the question, Y&R incorporated testing on the citizenship question. As part of the CBAMS, Y&R conducted 42 focus groups with participants representative of hard-to-count populations from across the country, including those from the Latino, Asian and Middle Eastern communities. As described in the presentation that I attended, the conclusion from the CBAMS data was that the citizenship question may be a major barrier to participation in the 2020 Census. The presenters also stated that focus group participants expressed their concern that the purpose of the citizenship question was to target certain ethnic groups for purposes of fear and immigration enforcement. One Latino participant stated that they thought the addition of the citizenship question was “practically a hunt [for us]...Latinos are going to be afraid to be counted because of the retaliation that could happen.” Ex. XX (“2020 Census Barriers, Attitudes, and Motivators Study (CBAMS) Survey and Focus Groups: Key Findings for Creative Strategy,” Oct. 21, 2018). These concerns extended to residents and citizens who “may also feel endangered” by the question. Ex. XX (“2020 Census Barriers, Attitudes, and Motivators Study (CBAMS) Survey and Focus

Groups: Key Findings for Creative Strategy,” Oct. 21, 2018). These sentiments are consistent with NALEO’s research as described in paragraph 25 of my October 23 Affidavit.

10. Also at this meeting, I along with the other members of the NAC presented the NAC’s new recommendations to the Census Bureau. The most prominent recommendation that the NAC made was to state that based on our expertise and professional judgment, there was no value in the citizenship question to the decennial census, and leaving the question on the census would undermine its very purpose – to provide a complete and accurate count. Members of the NAC also submitted individual commentary to the Bureau, which provided information on the research and science underpinning this recommendation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: November 3, 2018  
Los Angeles, CA



Arturo Vargas